

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID LEE BOWERS, :  
  
Petitioner, : Case No. 3:04cv00071  
  
vs. : District Judge Walter Herbert Rice  
  
ANTHONY J. BRIGANO, Warden, : Magistrate Judge Sharon L. Ovington  
Lebanon Correctional Institution, :  
  
Respondent. :  
:

---

**DECISION AND ENTRY ADOPTING IN FULL REPORT AND RECOMMENDATIONS  
FILED ON AUGUST 11, 2005 (Doc. #15); GRANTING RESPONDENT'S MOTION TO  
DISMISS (Doc. #11); DENYING AND DISMISSING DAVID LEE BOWERS' PETITION  
FOR A WRIT OF HABEAS CORPUS; DENYING A CERTIFICATE OF APPEALABILITY  
UNDER 28 U.S.C. §2253(c); AND TERMINATING THE CASE ON THE DOCKET OF  
THIS COURT**

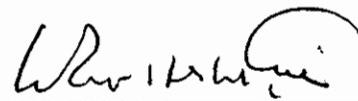
---

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #15), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts in full said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on August 11, 2005 (Doc. #15) is **ADOPTED** in full;
2. Respondent's Motion to Dismiss (Doc. #11) is **GRANTED**;

3. David Lee Bowers' Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED**;
4. A certificate of appealability under 28 U.S.C. §2253(c) is **DENIED**; and
5. This case is terminated on the docket of this Court.



---

Walter Herbert Rice  
United States District Judge